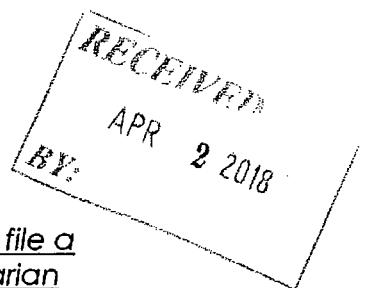


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: April 2, 2018

Case Number: 18-96

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Jennifer Starkel

Premise Name: Madison Animal Hospital

Premise Address: 539 East Glendale Ave STE 1

City: Phoenix State: Arizona Zip Code: 85020

Telephone: 6023587815

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Ray Williams

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Cell Telephone: _____

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Everest
Breed/Species: Bichon mix
Age: 12 Sex: Male Color: White

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.
Jennifer Starkel and John Samuelson
Madison Animal Hospital
539 East Glendale Ave STE 1
(602) 358-7815

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Ray Willian

Date: 4/2/2018

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I took my dog to Jennifer Starkel at Madison Animal Hospital on 3/25/2018. She prescribed Mometamax for his ear infection. My dog, Everest, has been going to her and John Samuelson for 2-3 years. They both know, and have seen Everest as a patient and both know of his Cushing's disease and his age, 12 years old. I began the treatment Jennifer Starkel provided to me on a daily basis and put 4 drops in each ear once a day. I noticed Everest acting different but thought he was just not feeling well with his ear infection. On Saturday, March 31st, I began to think he was not hearing me. I then did several tests to find he is totally deaf in both ears now. I went online to check the medication Jennifer Starkel prescribed to find it is a known issue with this medication for older dogs to go deaf. It also had a statement about Cushing's disease. My dog is now deaf due to the negligence of Jennifer Starkel. This medication should never have been prescribed to my dog knowing the issues that are easily found online and the tests being done by Merck due to the complaints they have had. I discovered that Everest was totally deaf on Saturday evening, March 31st, 2018 after 6pm. Madison Animal Hospital was closed and the following day was Easter. I sent them an email right away and then researched online what to do. The only thing listed was to rinse out the dogs ears and discontinue to use the product, which I did. It is now 9am with no contact from Jennifer Starkel or the animal hospital. I did say not to call me unless they know of how to make the odds better for my dog hearing again. I also said not to have a front desk person call and just say we have available appointments. She has caused my dog to go deaf and the stress she has caused both the dog and I is awful. No response at all, not even an attempt at apologizing is not only unprofessional, it is negligence and carelessness.

From: Madison Website Email
Sent: Monday, April 2, 2018 12:59 PM
To: [REDACTED]
Subject: Everest

Dear Mr. Williams,

We are so sorry to learn about Everest's loss of hearing. We want you know that we have reported the incident to Merck and we have spoken with directly with Dr. Elizabeth Dole, case #2018-US-04838. Dr. Dole checked the lot number of the Mometamax and there have been no other reported cases.

Please know that we are available to talk at your convenience. Please keep us informed of Everest's condition. We hope that his hearing will return over the next few weeks.

Please call to speak with us if you wish.

Sincerely,

Jennifer Starkel, DVM

Madison Animal Hospital & Grooming

539 E. Glendale Ave #1

Phoenix, AZ 85020

P: 602.358.7815

vets@madisonahaz.com www.azpetvet.com

April 10, 2018

Arizona State Veterinary Medical Examining Board
Attn: Tracy Riendeau, CVT
1740 West Adams Street, Suite 4600
Phoenix, Arizona 85007

Re: Jennifer Starkel 18-96

To Whom It May Concern:

On Sunday March 25, 2018, I prescribed Mometamax for complainant's dog Everest. Within days of administering this well-recognized antibiotic medication that is commonly used to treat canine ear infections, complainant filed this complaint because Everest had developed a hearing issue. In the complaint, it is alleged that I fell below the standard of care in prescribing the medication because of Everest's age and Cushing's disease.

According to the drug manufacturer, Merck, Mometamax is not contraindicated in either geriatric or Cushing's disease canines. Temporary deafness is a potential side effect of this medication, as was disclosed in the drug insert dispensed with the medication. The "statement about Cushing's disease" on the drug insert that Mr. Williams referred to in his complaint does not state that Cushing's disease patients are contraindicated. Instead, the drug insert's mention of Cushing's disease simply states that Cushing's syndrome has been reported in association with prolonged or repeated high dose synthetic systemic steroid therapy when administered parenterally (by injection). The Mometamax in this case was administered topically for only a short period of time, therefore the Cushing's statement on the drug insert does not pertain to Everest's situation.

Mr. Williams claimed that there was no response from myself or the employees at Madison Animal Hospital. He stated "it is now 9am [on April 2] with no contact." Our hospital was closed for Easter (April 1st) and I did not come into the office until 9:30am on April 2nd (30 minutes after this statement was prepared by Mr. Williams). When I arrived at the hospital, I had a phone message from Dr. Elizabeth Dole with Merck, asking for me to please call her to discuss Everest's case. In between my full schedule of appointments, I was able to get in contact with Dr. Dole, who verified that Mometamax is not contraindicated in geriatric dogs, even with underlying medical conditions such as Cushing's disease. At Mr. Williams' request, as was stated in his first email sent on April 1st, I did not call him, but instead emailed a response and asked

him to call me to further discuss this situation. However, Mr. Williams responded with another email. After receiving his second email, I called Mr. Williams on the phone, but received his voicemail and left him a message asking him to please either call or come into the hospital so we could discuss his concerns more thoroughly. I felt that such an emotional and sensitive situation needed real-time communication, not a series of back and forth emails. Mr. Williams chose not to return my phone call, but instead emailed our hospital 4 additional times between the evening of April 2nd and the morning of April 3rd.

This complaint was filed based on misinformation and a misunderstanding prior to Mr. Williams speaking with Dr. Dole with Merck. Mr. Williams filed this complaint on April 2nd, then he spoke with Dr. Dole on April 3rd. Dr. Dole was able to clarify for Mr. Williams his misunderstanding of the statements on the drug insert and explain to Mr. Williams that Mometamax is not contraindicated for Everest based on his age or Cushing's disease. I believe that if Mr. Williams had waited until after completing his investigation about Mometamax with Merck, he would not have filed this complaint.

Finally, it has recently been brought to my attention that Everest is not "totally deaf" as alleged in the complaint and that his hearing has begun returning so hopefully the hearing loss is only temporary. Regardless, I stand behind the prescription and the veterinary care I provided in this case. Thank you.



Jennifer Starkel, DVM



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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, D.V.M. - Chair

Ryan Ainsworth, D.V.M.

Christina Tran, D.V.M.

Mary Williams

Carolyn Ratajcek

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations

Victoria Whitmore, Executive Director

Sunita Krishna, Assistant Attorney General

RE: Case: 18-96

Complainant(s): Ray Williams

Respondent(s): Jennifer Starkel, D.V.M. (License: 4269)

SUMMARY:

Complaint Received at Board Office: 4/2/18

Committee Discussion: 8/7/18

Board IIR: 9/19/18

APPLICABLE STATUTES AND RULES:

Laws as Amended July 2014

(Salmon); Rules as Revised September 2013 (Yellow).

On March 25, 2018, "Everest," a 12-year-old male Bichon mix was presented to Respondent due to scratching at ears and shaking head. Upon exam, Respondent identified otitis secondary to atopy. An allergy injection was administered and the dog was discharged with an antibiotic and ear treatment, Mometamax.

On March 31, 2018, Complainant noted that the dog appeared to be def.

On April 4, 2018, the dog was presented to Phoenix Mountain Animal Hospital for evaluation. The dog's hearing appeared impaired and his ears were flushed using saline.

Complainant contends Respondent was negligent in the care of the dog.

Complainant was noticed and appeared.

Respondent was noticed and appeared telephonically. Counsel, David Stoll appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Ray Williams
- Respondent(s) narrative/medical record: Jennifer Starkel, DVM
- Consulting Veterinarian(s) narrative/medical record: Lisa Gulinson, DVM – Phoenix Mountain Animal Hospital.

PROPOSED 'FINDINGS of FACT':

1. On March 25, 2018, the dog was presented to Respondent with a possible ear infection. The dog was scratching at his ears and shaking his head. Upon exam, the dog has a weight = 22.2 pounds, a temperature = 100.9 degrees, a heart rate = 110bpm, a respiration rate = 40rpm. Respondent noted epidermal collarettes on trunk, scabs, and purulent discharge on dermal mass right convex pinna; the ears had moderate tan debris and erythema – ears were sensitive with otoscopy; and grade III/VI systolic murmur.
2. Respondent's differential diagnosis was Cushing's (under treatment); atopy flare, secondary otitis and dermatitis; and cardiac disease. She discussed with Complainant the likely atopy flare and recommended trial with allergy injection to see if resolution or better control of dermatitis. There was no guarantee with Cytopoint, but if there was improvement, he could return every 4–8 weeks as needed for repeat injection. She also discussed signs of progression of the new heart murmur – currently no symptoms, Complainant to monitor. The dog was administered and discharged with the following:
 - a. Cytopoint 30mg SQ;
 - b. Cefpodoxime 100mg, 7 tablets; give $\frac{1}{2}$ tablet orally once a day with food; and
 - c. Mometamax 15gm; 4 drops both ears once a day for 10 days.
3. On March 31, 2018, Complainant noted that the dog was acting differently and realized that the dog's hearing was impaired. He researched online the medication Respondent dispensed to the dog and found that Mometamax was known to cause issues in older dog and could cause deafness. Complainant stated the medication also had a statement about Cushing's disease. The premise was closed the following day due to the Easter holiday therefore Complainant sent the Respondent an email through their website. Complainant discontinued the medication.
4. On April 2, 2018, Respondent returned to the premise after the holiday and had a phone message from Dr. Dole with Merck, the medication drug manufacturer. She contacted Dr. Dole who verified that Mometamax was not contraindicated in geriatric dogs, even with an underlying medical condition such as Cushing's disease.
5. Respondent stated that temporary deafness is a potential side effect of the medication, as disclosed in the drug insert dispensed with the medication. Additionally, the statement about Cushing's disease on the drug insert that Complainant was referring to in his complaint does not state that Cushing's disease patients are contraindicated but that Cushing's syndrome has been reported in association with prolonged or repeated high dose synthetic systemic steroid therapy when administered by injection.
6. Respondent attempted to call Complainant to discuss the situation but Complainant responded with another email. Respondent felt the situation needed real-time communication, not a series of emails. Complainant did not return Respondent's call and continued to email the premise.
7. On April 4, 2018, the dog was presented to Dr. Gulinson at Phoenix Mountain Animal Hospital. Complainant relayed the dog's history with respect to the hearing loss and the administration of Mometamax. Dr. Gulinson flushed the dog's ears with saline – both eardrums were patent and

intact. She discussed with Complainant that deafness can be a side effect with the use of Mometamax and some dogs regain their hearing, but not all.

8. Complainant expressed concerns that he was not warned of the side effect.

COMMITTEE DISCUSSION:

The Committee discussed that although this was an unfortunate occurrence and the dog has some ongoing hearing loss, there is information in the drug insert that informs owners and veterinarians that this is a possibility. They felt the care and treatment of the dog was appropriate.

The Committee understood Complainant's concerns however hearing loss with this product is a rare side effect and any drug prescribed has potential side effects.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.



Tracy A. Riendeau, CVT
Investigative Division